

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

(1) TEXAS INSTRUMENTS
INCORPORATED,

Plaintiff,

vs.

(1) INTERGRAPH CORPORATION and (2)
Z/I IMAGING CORPORATION,

Defendants.

(1) INTERGRAPH CORPORATION,

Counterclaimant,

vs.

(1) TEXAS INSTRUMENTS
INCORPORATED,

Counterdefendants.

Civil Action No. 2-03CV-115 TJW

FILED - CLERK
U.S. DISTRICT COURT
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TEXAS-EASTERN
BY *[Signature]*

**TEXAS INSTRUMENTS INCORPORATED'S REPLY TO INTERGRAPH
CORPORATION'S COUNTERCLAIM FOR DECLARATORY RELIEF**

Plaintiff Texas Instruments Incorporated ("TI") replies to the counterclaim of Defendant Intergraph Corporation ("Intergraph") as follows:

JURISDICTION AND VENUE

1. Referring to paragraph 1 of Intergraph's Counterclaim, TI admits that Intergraph's Counterclaim arises under the patent laws and that jurisdiction is proper under 28 U.S.C. §§ 1331, 1338, and 2201. TI, however, denies that jurisdiction is proper under 28 U.S.C. § 2202 because Intergraph is not entitled to any relief.

2. Regarding paragraph 2 of Intergraph's Counterclaim, TI admits that venue is proper under 28 U.S.C. § 1391, but denies that 28 U.S.C. § 1400 provides a basis for venue.

THE PARTIES

3. TI admits the allegations in paragraph 3 of Intergraph's Counterclaim.

4. TI admits the allegations in paragraph 4 of Intergraph's Counterclaim.

5. TI admits the allegations in paragraph 5 of Intergraph's Counterclaim.

6. Regarding paragraph 6 of Intergraph's Counterclaim, TI admits that because of TI's Original Complaint and Intergraph's Answer and affirmative defenses there is a justiciable controversy concerning the infringement, validity, and enforceability of the TI patents in suit. TI denies that this controversy requires declaratory relief.

7. TI denies the allegations in paragraph 7 of Intergraph's Counterclaim.

8. TI denies the allegations in paragraph 8 of Intergraph's Counterclaim.

PRAYER FOR RELIEF

TI denies that Intergraph is entitled to any relief, including the relief requested in Intergraph's prayer for relief.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a copy of TEXAS INSTRUMENTS INCORPORATED'S REPLY TO INTERGRAPH CORPORATION'S COUNTERCLAIM FOR DECLARATORY RELIEF was served on August 13, 2003, via facsimile and U.S. Mail on the following:

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